

### REMARKS

This Amendment is responsive to the Office Action mailed on April 10, 2008. Claim 1 is amended. Claims 3-5 and 22-24 are cancelled. Claims 1, 2, 6-21, and 25-38 are pending.

Claims 1, 6, 7, 10-15, 18-20, 25, 29-34, 37, and 38 are rejected under 35 U.S.C. § 102(b) as being anticipated by Gauthier (US 2002/0122205).

Claims 2, 16, 17, 21, 35, and 36 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Gauthier in view of Sansone (US 6,373,587).

Claims 8, 9, 27, and 28 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Gauthier in view of Leone (US 2003/0002081)

Applicants respectfully traverse these rejections in view of the amended claim and the following comments.

#### Discussion of Amended Claims

Claim 1 is amended to clarify that the template is created at the printer from the template attributes.

#### Discussion of Gauthier

Claims 1, 6, 7, 10-15, 18-20, 25, 29-34, 37, and 38 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Gauthier. This rejection is respectfully traversed. An anticipation rejection requires that each and every element of the claimed invention as set forth in the claim be provided in the cited reference. See *Akamai Technologies Inc. v. Cable & Wireless Internet Services Inc.*, 68 USPQ2d 1186 (CA FC 2003), and cases cited therein. As discussed in detail below, Gauthier does not meet the requirements for an anticipation rejection.

Gauthier discloses a method for utilizing variable data with a page description language which enables a template and graphics state for a page of variable data to be defined and stored. A bit map of non-variable background graphics and text, referred to as a template, is generated

for the page. At the last code command, which in PostScript is typically SHOWPAGE, the control task terminates the PostScript interpreter and the template is reserved (i.e., stored) in a database (see, e.g., paras. 0009 and 0014). A merge task merges a data bit map into the stored template (see, e.g., para 0015).

The aim of Gauthier is to “have a method for processing variable data wherein once defined, the template and graphics states for a page can be stored and reused for printing subsequent pages” (para. 0008). Thus, in Gauthier, the template itself is stored in printer memory.

In contrast, with Applicant’s claimed invention according to claim 1, template attributes are provided to the printer memory and the template is created at the printer from the stored template attributes. Data is then provided to the printer memory and this data is merged into the template to form a composite image for printing. Thus, with Applicant’s claimed invention, there is no need to store the entire template in memory as in Gauthier. Rather, with Applicant’s claimed invention, the template attributes are provided to the printer memory and the template is created at the printer prior to printing. Such an approach enables a greater degree of flexibility than that provided by the system of Gauthier, since in Gauthier the printer can only print data in the particular templates that are stored in the memory, while with Applicant’s invention the template is created by the printer based on the template attributes provided, enabling a wide variety of template forms.

Accordingly, Gauthier does not disclose or remotely suggest providing template attributes to memory of the printer and creating a template at the printer from the attributes provided.

The foregoing arguments apply equally to Applicant’s independent claim 20, which specifies that the printer comprises a processor for creating a template from the template attributes.

As Gauthier does not disclose each and every element of the invention as claimed, the rejections under 35 U.S.C. § 102(b) are believed to be improper, and withdrawal of the rejections

is respectfully requested. See, *Akamai Technologies Inc., supra*.

Applicants respectfully submit that the present invention is not anticipated by and would not have been obvious to one skilled in the art in view of Gauthier, taken alone or in combination with any of the other prior art of record.

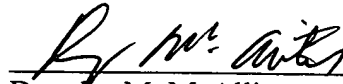
Further remarks regarding the asserted relationship between Applicants' claims and the prior art are not deemed necessary, in view of the amended claim and the foregoing discussion. Applicants' silence as to any of the Examiner's comments is not indicative of an acquiescence to the stated grounds of rejection.

Withdrawal of the rejections under 35 U.S.C. § 102(b) and 35 U.S.C. § 103(a) is therefore respectfully requested.

Conclusion

The Examiner is respectfully requested to reconsider this application, allow each of the pending claims and to pass this application on to an early issue. If there are any remaining issues that need to be addressed in order to place this application into condition for allowance, the Examiner is requested to telephone Applicants' undersigned attorney.

Respectfully submitted,



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